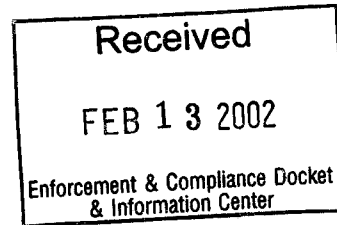




City of Austin

Founded by Congress, Republic of Texas, 1839
Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78767 Telephone 512/499-2000

January 28, 2002



United States Environmental Protection Agency
Enforcement and Compliance Docket and Information Center
(Mail Code 2201A)
Attn: Docket Number EC-2000-007
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Establishment of Electronic Reporting; Electronic Records Rule
Proposed Rule

Dear Comment Clerk:

The City of Austin Water and Wastewater Utility (Utility) is pleased to have an opportunity to comment on the Electronic Reporting Rule as proposed in the *Federal Register* on August 31, 2001. We provide drinking water and wastewater service to customers in and near the City of Austin, Texas. The Utility has a history of interacting with the Environmental Protection Agency (EPA) to develop water and wastewater regulations that are based on sound scientific and economic principles, and that are protective of environmental and public health. We report environmental compliance data to both the EPA and the state Texas Natural Resource Conservation Commission (TNRCC). We offer the following comments on the proposed rules.

General Comments

The water supply operations within our Utility report to our state primacy agency, the TNRCC, and the wastewater operations report to both the state and the EPA. These proposed electronic reporting rules state in the first part of the preamble that electronic document submission to the EPA will be totally voluntary and paper documents can continue to be submitted if desired. EPA gives the states discretion on whether or not to require electronic reporting; however, EPA will approve changes to authorized state reporting programs. We can foresee being required to electronically report to the state but not EPA, or providing both with electronic reports.

We encourage as much compatibility between the reporting methods as possible without making them unduly complex and unmanageable for the state or the utility. One alternative is to specify standards for a reporting system, give states the resources to

implement it, and then EPA accept the state reporting system for their purposes. This is modeled somewhat by the drinking water oversight where we report solely to the TNRCC, and they use our data to compile a consolidated report to EPA. This approach is supported in the preamble when it mentions providing state flexibility by specifying performance criteria rather than requiring specific technologies.

Goals for electronic reporting

The EPA states three goals on page 46166 of the Preamble for the electronic reporting system. They are 1) to reduce the cost and burden of data transfer 2) to improve the data and 3) to maintain or improve the level of corporate and individual responsibility for electronic records and reports that currently exists in the paper environment. The cost to convert paper data to an electronic format by developing our own Utility computer reporting formats needs to be held to an absolute minimum. EPA's approach in these rules is to use web based reporting functions (CDX) which requires "little more of a submitter than access to a computer with a browser and an Internet connection" (page 46180 of preamble). EPA is proposing electronic submission as voluntary, therefore, if cost becomes a factor, paper records will continue to be submitted. Most utilities, ours included, keep and submit paper records for state compliance rather than EPA compliance, and use them for legal and freedom of information requests also. Therefore there is little incentive for us to report electronically unless it is economical and allows us to fulfill other record retention needs.

EPA must also remember that it is not as simple to implement electronic reporting in most utilities like ours, such that all we have to do is simply upload electronic reports to an EPA website. Reports do not exist in electronic form in all cases. The dominant software in use at our Utility is a LIMS system (Laboratory Information Management System) which can be programmed to provide EPA or state agency reports, but will take some effort. Other reports are "computerized" to a certain extent, but the level of automation is dictated by the state or EPA regulatory program personnel because of the level of sophistication they have put into their program. The bottom line is that the format requirements for the data transfer must be simple enough so the transfer file could be easily generated from a database query or office software already owned by the Utility or in use by regulatory program personnel, such as Excel.

We can foresee that the state may require electronic reporting of water and wastewater data, in which case the EPA will provide oversight approval of those methods under this rule. From our Utility perspective, the more that is done for compatibility and ease of use at the EPA and state level, the better. In general, this implies creating an easy-to-use system which requires minimal computer development cost for use and minimal time to operate.

One-Time Data Entry

As mentioned above, the goals of electronic reporting are to reduce the burden of reporting, while improving its accuracy. The Utility feels that these goals are best accomplished by focusing on one-time data entry. This reduces costly man-hours at both the utility, state, and federal level. One-time data entry also improves accuracy by minimizing the opportunity for errors. Additionally, one-time data entry encourages the use of electronic reporting and puts the data in a format which is more suitable for analysis at the utility, state, and federal level.

Because of the enormous potential for one-time data entry, the Utility recommends that the EPA establish a partnership with water and wastewater utilities to achieve one-time data entry. Indeed, the EPA has some experience with this in developing the Information Collection Rule and the Contaminant Candidate List under the Safe Drinking Water Act. As an initial step, the partnership would undertake a joint application design (JAD) and joint requirements planning (JRP) efforts to set broad parameters that utilities, states, and EPA would work toward to implement one-time data entry. The preamble mentions involvement of states, industry groups and other organizations as stakeholders in developing these rules. Carrying this process further in partnerships within each entity regulated by the states and EPA will tailor reporting to that entity's needs, and likely enjoy more success in cost effectiveness and ease of application.

Responsibility for submitting environmental reports

The preamble on page 46181 mentions the use of "alternate" submitters from a regulated entity that are registered with EPA for official electronic signature of the reported data. We agree with this concept since the Utility will need latitude on how we handle our reporting internally, and who is available at any given time to submit the report. Typical reporting procedures in our Utility include the review of reports by various staff including laboratory technicians, water and wastewater operators, laboratory managers, compliance managers, treatment managers and the like. The single person who signs an electronic report might be the only person legally liable, but in our Utility operations, they are not the only ones involved in generating the data. Also, the level of management currently signing reports varies in both our water and wastewater operations. Therefore the use of alternate submitters or similar flexibility is a good idea.

Copy of record and transaction record

Page 46176 of the preamble provides for a "copy of record" and a "transaction record." We like the concept of EPA sending back an automatic response to the submitter, the Utility in this case, and agree that the proposed chain of custody is sufficiently robust. As mentioned in the preamble, we want to compare this "copy of record" with our Utility

records to check for accuracy, and make sure it has not been compromised in the electronic submission process. We suggest a period of 30 days to review the copy of record, and that the data not be released for public scrutiny until after the 30 days have passed. We also need a process to rebut the "copy of record" and make changes if necessary.

CDX Issues -- System Failure

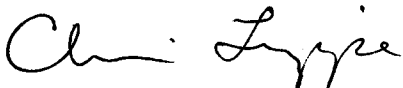
In the case of CDX system failure, there should be included in the proposed rule an automatic extension of any affected filing deadlines until the CDX returns to operation, plus a period of time until the next normal business hours of the Utility resume.

CDX Issues -- System Updates

Page 46169 of the preamble states that major changes to the CDX system will be done with one-year notice to affected entities to ease the disruption of the regulated entity. We agree with this concept, especially since it may require incorporation into budget cycles to handle the cost associated with the change.

We appreciate the opportunity to comment on these proposed rules and generally view electronic reporting as a benefit to all parties concerned. Should you have any questions regarding these comments, please contact Charles Maddox, P.E., Water Regulatory Manager, at 512/972-0021 or by e-mail at charlie.maddox@ci.austin.tx.us.

Sincerely,



Chris Lippe, P.E., Director
Water and Wastewater Utility

cc: Andrew P. Covar, P.E.
Maureen McReynolds
Raj Bhattarai
Dan Pedersen
Miriam Mora
Rosie Barrios
Alicia Diehl, TNRCC